

REMARKS

The present amendment is submitted in response to the Office Action dated December 26, 2007, which set a three-month period for response, making this amendment due by March 26, 2008.

Claims 1-6 and 9-14 are pending in this application.

In the Office Action, the drawings and specification were objected to for informalities. Claims 1-13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 295,595 to Tilton. Claims 1-13 were further rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,183,140 to Nicoll.

In the present amendment, the drawings and specification were amended to address the objections.

In addition, the specification was amended to add standard headings and a cross reference to the priority document.

To more clearly define the present invention over the cited references, claim 1 was amended to add the features of claim 7, which was canceled. Amended claim 1 now defines that the first clutch means is "designed as a snap-in disk".

In addition, claim 8 was canceled, and new claim 14 was added. New claim 14 defines a clutch means for the overload clutch device of claim 1, which is constructed as a snap-in disk and in which a cross-section is configured as an annular segment with an opening 28.

The cited reference to Tilton discloses a guard-clutch with a combination of a first rotary disk, a toothed pawl pivoted on the side of the rotary disk, a second peripherally-mortised disk, which bears a pinion, and a spiral spring. The first disk is positioned on an input shaft, which is driven by a belt. The spring holds the tooth on the pawl into the mortise in the second disk and by this contact of the tooth and the mortise, a rotary motion, which is the first disk carries out, is imparted to the second disk and the pinion, and thus on to machinery driven by a gear, which meshes into the pinion. In this manner, the second disk is loose rotatably on the shaft. If some obstruction of the machinery occurs which is likely to break it, then the spring permits the free end of the pawl to rise, lifting the tooth out of the mortise, so that the disk will continue to rotate without rotating the second disk and the machinery driven by it.

Tilton does not disclose an overload clutch device with a snap-in disk, which is fixed to an output shaft in a force-dependent manner. In Tilton, the second disk is fixed to the first disk in a force-dependent manner and the first disk is fixed upon the input shaft.

Claim 1 as amended is therefore not anticipated by Tilton.

Likewise, new claim 14 also is not anticipated by Tilton, since Tilton also does not disclose a clutch means constructed as a snap-in disk with a cross section configured as an annular segment with an opening. Tilton only describes a disk with a mortise.

Nicoll discloses a torque limiting mechanism of a drive system included in a currency note pick mechanism. The torque limiting mechanism serves to

disconnect drive to the pick mechanism in the event of a gulp feed occurring. The torque limiting mechanism comprises rotatable drive and driven members having a common axis of rotation. The drive member includes a resilient tripping finger having an end portion which is adapted to engage resiliently in a recess formed in the inner surface of a cylindrical portion of the driven member for the purpose of applying a driving torque to the driven member. In the event of this torque exceeding a certain limit, the tripping finger is caused to become disengaged from the recess, thereby disconnecting the drive to the driven member and permitting the drive member to rotate relative to the driven member.

Nicoll does not describe an overload clutch device with a snap-in disk. Therefore, amended claim 1 is not anticipated by Nicoll.

Furthermore, a clutch means with a cross section configured as an annular segment with an opening also is not disclosed by Nicoll. In addition, Nicoll does not disclose a clutch means characterized by being constructed as a snap-in disk. Thus, new claim 14 also is patentable over Nicoll.

The Applicant furthermore respectfully submits that neither Tilton nor Nicoll is a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that "a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference", and that "the identical invention must be shown in as complete detail as is contained in the ... claim". A prior art reference anticipates a claim only if the reference discloses every limitation of the claim. Absence from the reference of any

claimed element negates anticipation. **Row v. Dror**, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997).

The Applicant further submits that the combination of Tilton and Nicoll also does not render obvious the present invention as defined in amended claim 1 and new claim 14.

One object of the present invention is to provide an overload clutch, which has an especially simple construction and which facilitates clamping. This object is solved for a generic overload clutch by designing a clutch means as a snap-in disk, which is fixed to an output shaft in a force-dependent manner. In this manner, a very simple construction clamping is made easy. In particular, clamping of a clutch means is facilitated and constructional elements can be saved which allows low building costs.

Tilton provides no teaching or suggestion, which could have led an average person skilled in the art to the time of the invention to the present invention. In Tilton the two disclosed disks are fixed to each other in a force-dependent manner and the first of the two discs is fixed upon the input shaft.

Furthermore, one skilled in the art would not have considered Nicoll to the time the invention was made. The invention of Nicoll pertains to an entirely different technical field compared to the invention. If an average person skilled in the art had posed the above task, he would not have taken Nicoll into account.

If the practitioner skilled in the art had considered a combination of Tilton and Nicoll, he also would not have been led to the invention. Nicoll neither discloses nor suggest fixing a snap-in disk or a disk with a mortise in a force-

dependent manner to an output shaft. Therefore, amended claim 1 is patentable over the combination of Tilton and Nicoll.

Likewise, with regard to new claim 14, an object of the present invention is to provide a clutch means, which has an especially cheap construction. This object is solved for a generic clutch means by designing it with a cross section configured as an annular segment with an opening. In this manner, an exceptionally cheap construction can be achieved.

Tilton fails to provide any teaching or suggestion that would have led an average person skilled in the art to the time of the invention to the invention. Tilton discloses a clutch means built by a disk with a mortise. Furthermore, according to our understanding an average person skilled in the art would not have considered Nicoll at the time of the invention. Nicoll pertains to a completely different technical field than that of the present invention. Again, if an average person skilled in the art had faced the above object, he would not have taken Nicoll into account.


If an average person skilled in the art had considered a combination of Tilton and Nicoll, he would not have been led to the invention, since Nicoll does not teach or suggest constructing a clutch means with a cross section configured as an annular segment with an opening.

Therefore, the new claim 14 is also patentable over Tilton and Nicoll in combination.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have

any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700